

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

615J0689

HOUSE AGRICULTURE AND NATURAL RESOURCES

COMMITTEE ENGROSSED NO. **HB 1300 -**

**02/10/2004**

Introduced by: Representatives Klaudt, Begalka, Deadrick (Thomas), Fryslie, Gassman, Juhnke, Rave, Rhoden, Rounds, Teupel, and Van Gerpen and Senators Bogue, Diedrich (Larry), and Duenwald

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to aerial hunting.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 41-8-39.1 be amended to read as follows:

4 41-8-39.1. Notwithstanding the provisions of § 41-8-39, any person occupying land as an  
5 owner or lessee may ~~make application~~ apply to the Department of Game, Fish and Parks to  
6 ~~obtain~~ for a permit to kill or attempt to kill coyotes or foxes from an aircraft to protect or aid in  
7 the protection of the owner's or lessee's land, livestock, domesticated animals, or crops, water,  
8 wildlife, or human life as permitted under PL 92-159, as amended to January 1, ~~1989~~ 2004, or  
9 § 40-36-9. A permit may not be issued for the purpose of sport hunting. The permit authorizes  
10 the owner or lessee, or a person who holds a valid aerial hunting permit issued by the  
11 department and who is under contract with the owner or lessee, to kill or attempt to kill coyotes  
12 or foxes from the aircraft on the occupied land and up to ~~two~~ four miles onto the land of the  
13 immediate adjoining neighbor if the owner or lessee has first obtained the written consent of the  
14 owner or lessee of the adjoining land. The Game, Fish and Parks Commission shall promulgate



1 rules pursuant to chapter 1-26 to establish the criteria and eligibility of the permittee and  
2 conditions under which the permit is granted, number and species of animals to be hunted and  
3 killed, location where permitted, reports required of the permittee, and other rules to implement  
4 the provisions of this section.